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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,019	12/26/2001	Roland Henri Contreras	JAB-1521	5960

7590

01/08/2004

Philip S Johnson
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EXAMINER

ALLEN, MARIANNE P

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10030 019

EXAMINER

ART UNIT

PAPER

20040106

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 11/28/03 is not fully responsive to the prior Office Action T Action because of the following omission(s) or matter(s): Applicant failed to elect a sequence identifier for examination as required by the restriction requirement. While applicant may traverse the restriction requirement, to be fully responsive they must make an election. Applicant is advised that even if there is support for the expression limitation introduced into the claims in the response (whether or not this is new matter has not been evaluated at this point) and argued to be the special technical feature linking all of the nucleic acid products, this limitation was not present in the original claims and as filed, the claims properly lacked unity. Furthermore, as originally filed, the functional fragments and sequences with a certain level of similarity were not required to have the expression level now required and it is unclear on what basis applicant is asserting that all sequences now claimed possess the expression limitation (i.e. share the special technical feature). Applicant has substantively changed the breadth of the claims. See 37 CFR 1.111.

In addition, the format of the prior amendment was not in compliance with 37 CFR 1.121. The Remarks section should have begun on a separate page. As submitted, claim 55 is set forth on the same page as the beginning of the remarks. (See page 16 of the response.) Applicant's response must present at least the claims in the proper format.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Marianne P. Allen
Primary Examiner
Art Unit: 1631